

MEETING #43 October 1

At a Joint Meeting of the Madison County Board of Supervisors on
October 1, 2008 at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean
James L. Arrington, Vice-Chairman
William L. Crigler, Member
Bob Miller, Member
Clark Powers, Member
V. R. Shackelford, III, County Attorney
Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated that all
members are present.

Chairman, Eddie Dean stated the following cases would be discussed
tonight:

Case Number S-10-08-50, which is a request by Robert Phillip or
Joycelene H. Brockman for a plat of a subdivision of land to create one (1) lot and the
residue will be combined with Tax Map 57-69D (also owned by Robert Phillip or
Joycelene H. Brockman). The proposed lot will be served by a new fifty foot (50') right-
of-way off Route 230. This property is located on Route 230 near Aroda and contains
13.849 acres of land, zoned A-1. The final plat has been approved by the Virginia
Department of Transportation and the Madison Health Department.

Phillip Brockman was present to answer any questions pertaining to
tonight's request.

After discussion, on motion of James L. Arrington, seconded by William
L. Crigler, the subdivision request is approved as recommended by the Madison County
Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-10-08-51, which is a request by Donald R. Tharpe Trustee
of The Donald R. Tharpe Trust for a plat of a subdivision of land to create two (2) lots
with residue. Lots 1 and 2 will be on a fifty-foot (50') right-of-way off Route 650 and

the residue will be on Route 650. This property is located on Route 650 near Criglersville, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Dave Lewis, Surveyor, was present on behalf of the applicant to answer any questions pertaining to tonight's case.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-10-08-52, which is a request by Mary M. Beasley for a subdivision plat for a right-of-way extension to serve Tax Map 57-21A (owned by G. Scott or Cheryl S. Lohr). The existing fifty-foot (50') right-of-way was created on October 3, 2007 to serve Tax Map 57-16A and Tax Map 57-16 (both owned by Mary M. Beasley). This property is located off Route 616 near Aroda, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Scotty Lohr was present to answer any questions pertaining to tonight's request.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-10-08-53, which is a request by Henry O. or Vera R. Brennenman for a subdivision plat for reconfiguration of Lots 1 and 2 and right-of-way relocation. These properties are identified as Tax Map 58, Parcels 48A and 48B. This

property is located off Route 684 near Radiant, zoned A-1. (This plat was previously approved on May 7, 2008). The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Dave Lewis, Surveyor, was present on behalf of the applicant to answer any questions pertaining to tonight's request. The Brenneman's were also present.

Mr. Campbell was present and stated he wanted to make them aware that there was a cemetery on the property. Mr. Lewis stated they were aware and it is shown on the plat. Mr. Shackelford informed Mr. Campbell that you have to have a court order to move graves and also the family has the right to visit the graves at any time.

After discussion, on motion of Clark Powers, seconded by Bob Miller, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean stated this concludes all action on tonight's cases, after which time the Madison County Planning Commission returned to the meeting process to participate in the Joint Public Hearing regarding an amendment to the Zoning and Subdivision Ordinance.

Rodney Lillard, Chairman of the Madison County Planning Commission advised V. R. Shackelford, III, County Attorney, to provide an overview of tonight's public hearing process.

V. R. Shackelford, III, County Attorney, stated tonight's Joint Public Hearing deals with non-conventional sewage systems in Madison County; this process began by way of a request from a landowner in the County (present tonight) who requested the County look at provisions with regard to the non-conventional systems that are approved for intermittent usage. He stated the State of Virginia has applied technology (work) on intermittent use and how that affects how these particular systems work. Additionally, he stated the proposal was forwarded to the Madison Health Department and a meeting was held with the Madison County Planning Commission

(workshop session) and he understands the Madison Health Department is in favor of the proposed amendment as revised and the applicant is also consenting to the proposed amendment as revised on behalf of the Madison Health Department. Tom Zakielarz, real estate agent was present on behalf of his clients, Ron Ankeney & Paula Theis.

V. R. Shackelford, III, County Attorney, stated the Madison Health Department's amendment clarifies the situation and incorporated tighter safeguards to ensure the non-conventional systems with intermittent usage will not be a public hazard.

V. R. Shackelford, III, County Attorney, stated the content of the County's Ordinance prior to the amendment advised, "this system, being a non-conventional sewer system, shall not include an experimental or provisional system and shall not be approved for intermittent use that would cause the system to be biologically inactive." – the proposed new wording is as follows: "this system shall not include an experimental or provisional system and this system may be approved for intermittent use if both the manufacturer and a licensed engineer, in consultation with an authorized on-site soil evaluator, verify that the system is designed for intermittent use and does not become biologically inactive with intermittent or seasonal use; the system shall also be required to be designed and inspected by the authorized on-site soil evaluator, and licensed engineer prior to being approved for intermittent use; all other regulations regarding maintenance and monitoring will apply."

V. R. Shackelford, III, County Attorney, advised that in many ways, one could say the proposal clarifies when intermittent use systems will be approved and also ensures they are designed correctly and must be approved by a soil evaluator that the systems works for intermittent use. He stated the proposal is to amend the requirement in the Madison County Zoning Ordinance and the Subdivision Ordinance, as both provisions are denoted in both documents; therefore if the proposal is adopted for one Ordinance, it is suggested the same apply for the other Ordinance.

In closing, V. R. Shackelford, III, County Attorney, stated it appears Mr. Zakielarz's clients have property on which a non-conventional system is situated and there are certain affidavits that must be signed to allow for intermittent use. It is hoped the clarification being voted on tonight will cover all future concerns for non-conventional systems to be utilized for intermittent use.

After discussion the Madison County Planning Commission voted to recommend to the Board of Supervisors approval of the amendment regarding non-conventional systems for intermittent use in both the Zoning and Subdivision Ordinance.

After discussion, the Madison County Board of Supervisors reserved to vote on the proposal until the Regular Meeting scheduled for Tuesday, October 14, 2008 at 4:00 p.m.

Betty Grayson, Zoning Administrator, provided an overview (at the request of Board Member James L. Arrington) of the monitoring requirements/regulations for non-conventional systems.

V. R. Shackelford, III, County Attorney, also advised that non-conventional systems are very expensive and must be monitored/maintained by professional staff.

Bob Miller advised (after a recent meeting) it was suggested the County to subscribe to software (third party company) that will build a database that will “set a flag” if a property owner doesn’t have an inspection report produced to reflect required maintenance/monitoring of the system. In closing, he advised that Dwayne Dixon, Environmental Health Specialist, advised he does not actually have any type of reports in his possession as he is unsure of exactly how many of these types of systems are in Madison County to date; therefore, the Madison Health Department is being asked to allow these non-conventional systems to exist and the County is apparently being asked to follow through with maintenance/monitoring of said systems and will possibly be accountable for finding a means of performing this responsibility in house; otherwise, the regulations will have no effect.

Lisa Kelley, County Administrator, advised if these systems are allowed by the Madison Health Department through a conditional permitting process, then the County’s Ordinance will contain language that proposes as long as the department is following the procedures for the conditional permit for intermittent use, the applicant must demonstrate (to the Madison Health Department’s satisfaction) that the system will not go inactive with intermittent use; she stated the amendment doesn’t actually change much about the County’s Ordinance other than to ensure that an authorized on site soil evaluator has reviewed the reports. She stated the monitoring is a separate issue – the

County's Ordinance requires the owner(s) to monitor and submit reports to the County – it appears the state's monitoring/reporting issues is a separate issue.

James L. Arrington has concerns that if the County approves this proposal and there's a failure, it will not be caught for at least six (6) months. Mr. Shackelford, III, County Attorney, agreed with the aforementioned comment but also advised in the event of failure, it is anticipated failure will be noticed before six (6) months.

James L. Arrington also stated if the County doesn't adopt the proposal, then the County will not be faced with any issues of intermittent use, as this is apparently not authorized by any type of regulation.

V. R. Shackelford, III, County Attorney, re-read the proposed amendment and explained criteria regarding "biologically inactive" as denoted; therefore, he stated the amended proposal carries more significance.

As stated above, the Board reserved the right to vote until the upcoming session of the Regular Meeting scheduled for Tuesday, October 14, @ 4:00 p.m.

Chairman, Eddie Dean stated a tourism report was forwarded by Tracey Williams, Tourism Coordinator and requested this be discussed during the Departmental reporting segment during the October Regular Meeting.

The Board also discussed the proposed Joint meeting date of Tuesday, October 22, 2008 as provided by Dr. Tanner; however, all members are unable to attend and have suggested the meeting date be scheduled to Wednesday, October 29, 2008 @ 6:30 p.m.

Chairman, Eddie Dean also stated the Board will need to discuss time schedule on the upcoming budget and semi-annual collection of County taxes – this will certainly push the advertisement of the tax rate to April 2009 for publishing; therefore, a rate will have to be established and advertised in March 2009.

Lisa Kelley, County Administrator, advised the aforementioned procedure is common in localities that participate in semi-annual tax collection procedures.

Lisa Kelley, County Administrator, advised the Madison County Schools has forwarded a copy of the end-of-year expenditure report which isn't adjusted on an accrual basis (with the exception of payroll), but is a close reflection. In closing, she

advised that she and Teresa Miller, Finance Director, will work together to figure out the bottom line amounts and transfer this information into accrual methods.

Chairman, Eddie Dean asked about a statement showing the unspent revenue, to which Lisa Kelley, County Administrator, advised the accountants (Robinson, Farmer, Cox Associates) are working on this factor; additionally, operations have continued to operate on a “cash basis” rather than accrual and apparently, the accountants make necessary adjustments at the end of the year in order to perform accrual procedures for auditing purposes to complete the audit. In closing, she advised the actual books aren’t kept in an accrual basis as suggested; however, adjustments are made at the time during which financial statements are prepared so the accountants will have accrual based numbers in the reports they are required to complete.

Chairman, Eddie Dean stated this is the manner in which things have operated in Madison County government and the school district (and many other localities) for many years and in turn, auditors have redone the process in order to complete their reports; however, some larger localities that employ a CPA generally practice the accrual method of accounting.

With no further action being required by the Board, on motion of William L. Crigler, seconded by Bob Miller, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: October 2, 2008